

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4143

IN THE MATTER OF:

Served July 27, 1993

Application to Transfer Certificate)
of Authority No. 186 from BOSTON)
COACH-WASHINGTON CORP., a)
Massachusetts Corporation, to)
BOSTON COACH-WASHINGTON CORP.,)
a Virginia Corporation)

Case No. AP-93-21

By application filed July 21, 1993, Boston Coach-Washington Corp., a Virginia corporation (Boston Coach-VA or transferee), seeks Commission approval of its merger with Boston Coach-Washington Corp., a Massachusetts corporation (Boston Coach-MA or transferor), with the former surviving to transport passengers between points in the Washington Metropolitan District in accordance with Certificate No. 186.

The application includes information regarding, among other things, transferee's corporate status, facilities, proposed tariff, finances, and regulatory compliance record. Also included are the agreement and plan of merger and the articles of merger. The application is available for inspection at the office of the Commission during its regular business hours.

Pursuant to the agreement and plan of merger, Boston Coach-MA was merged with and into Boston Coach-Virginia Corp., a newly created corporation, which simultaneously changed its name to Boston Coach-Washington Corp. and which will continue the operations previously conducted by Boston Coach-MA. All of Boston Coach-MA's property, rights, privileges, licenses and "other assets of every kind" were "transferred to and vested in" Boston Coach-VA. FTM Corp., which controls various carriers in the Northeast, was the sole shareholder of the merging entities and is the sole shareholder of the surviving entity. The merger was approved by the Commonwealth of Virginia State Corporation Commission on May 6, 1993.

Under Title II of the Compact, Article XI, Section 11(a), and Article XII, Section 3, the Commission may approve the merger of Boston Coach-MA with Boston Coach-VA and consequent transfer of Certificate No. 186 if the Commission finds said merger and transfer to be in the public interest, which, inter alia, requires a finding of transferee's fitness.¹

Pursuant to Commission Rule No. 6, this order and fulfillment of its requirements will provide notice of this application.

¹ In re Air Couriers Int'l Ground Transp. Servs., Inc. t/a Passenger Express, & United Mgmt. Corp., t/a Passenger Express, No. AP-92-12, Order No. 3956 (June 15, 1992); In re American Coach Lines, Inc., No. AP-87-20, Order No. 3094 (Nov. 18, 1987).

THEREFORE, IT IS ORDERED:

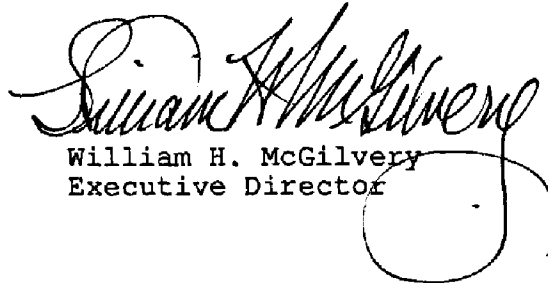
1. That Boston Coach-Washington Corp. shall publish once in a newspaper of general circulation in the Metropolitan District, no later than Tuesday, August 10, 1993, notice in the form prescribed by the staff of the Commission.

2. That Boston Coach-Washington Corp. shall file with the Commission, no later than Tuesday, August 31, 1993, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That any person wanting to protest the application, in accordance with Commission Rule No. 13 and Regulation No. 54-04(a), or comment on the application, in accordance with Regulation No. 54-04(a), shall file such protest or comment at the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Tuesday, August 31, 1993, and shall simultaneously serve a copy of such protest or comment on applicant's representative, Jeremy Kahn, Esquire, 1726 M Street, N.W., Suite 702, Washington, DC 20036.

4. That any person seeking a formal oral hearing on this matter, in accordance with Commission Regulation No. 54-04(b), shall request one no later than Tuesday, August 31, 1993, and shall simultaneously serve a copy of such request on applicant's representative, Jeremy Kahn, Esquire, 1726 M Street, N.W., Suite 702, Washington, DC 20036.

FOR THE COMMISSION:



William H. McGilver
Executive Director